

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

ROSA RIVERA	)	
<i>Plaintiff.</i>	)	
v.	)	CIVIL ACTION NO. 4-15-CV-00165-Y
	)	
ABILITY RECOVERY	)	
SERVICES, L.L.C.	)	
<i>Defendant.</i>	)	
	)	

**PLAINTIFF MOTION FOR DEFAULT JUDGEMENT**

COMES NOW, the Plaintiff Rosa Rivera and asks the Court to render a Default Judgment against Defendant Ability Recovery Services, L.L.C., as authorized by Federal Rule of Civil Procedure 55(a) and Fed. R. Civ. P. 55(b)(2). Plaintiff Rosa Rivera brings this motion for default judgement after Defendant Ability Recovery Services, L.L.C. has now for a second time failed to comply with the Court's order issued on July 23, 2015. **(See Doc. No. 17)**

1. Plaintiff Rosa Rivera brings claims against Defendant Ability Recovery Services, L.L.C. under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 alleging that Defendant employed an automatic telephone dialing system ("ATDS") and/or a telephone system with ATDS "capacity" to call her cellular telephone without express consent to do so.
2. On April 13, 2015, Defendant Ability Recovery Services filed an answer to Plaintiff's Complaint as "Pro Se".

3. April 22, 2015, United States District Judge Terry R. Means issued an Order, “Order to Obtain Counsel”, stating that :

“Defendant Ability Recovery Services, L.L.C. (“ARS”), purported to file an answer to Plaintiff’s complaint “Pro Se” through one “Maureen Napoletano.” The Court notes that ARS may not proceed pro se in this litigation...ARS shall have until May 29, 2015, to obtain counsel of record,...Failure to timely comply with this order may result in the entry of a default judgment against ARS”.

4. Defendant Ability Recovery Services, L.L.C. has failed to obey the Court Order issued by District Judge Terry R. Means on April 22, 2015.
5. On July 23, 2015, Plaintiff Rosa Rivera motion for default judgment was denied.
6. On July 23, 2015 Defendant Ability Recovery services, L.L.C. Motion for Extension of Time to Retain Counsel was granted.
7. July 23, 2015, United States District Judge Terry R. Means issued an Order, stating that:

“Defendant shall have until August 21, 2015 to obtain new counsel and comply with this court’s April 22, 2015 order...Motion for Default Judgment (doc. 13) is DENIED at this time, without prejudice to Plaintiff refiling same if Defendant does not timely comply with this order”.
8. Plaintiff Rosa River now files a Motion for Default Judgment for Defendant Ability Recovery Services, L.L.C. failure to obey the July 23, 2015 Court Order.

A brief in support of this Motion for Default Judgement is contemporaneously being filed. For the foregoing reasons, Plaintiff Rosa Rivera requests the Court to render a Default Judgment against Defendant Ability Recovery Services, L.L.C. for failure to obey the Court Order issued by District Judge Terry R. Means on July 23, 2015.

Dated: August 24, 2015

Respectfully Submitted,

/s/ Rosa Rivera  
Rosa Rivera  
2608 Refugio Ave.  
Fort Worth, TX 76164  
(817) 689-1240  
rosarivera54@yahoo.com

**CERTIFICATE OF SERVICE**

UNDER PENALTY OF PERJURY, I CERTIFY that a copy of the foregoing was provided by United States Postal Service certified mail #**7014 2870 0000 5391 0056** to:

Ability Recovery Services, L.L.C.  
c/o Maureen Napoletano  
P.O. Box 4031  
Wyoming, PA 18644

/s/ Rosa Rivera  
Rosa Rivera  
2608 Refugio Ave.  
Fort Worth, TX 76164  
(817) 689-1240  
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